IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.56308 M OF 2006

DATE OF DECISION: NOVEMBER 16, 2006

Gurmit Kaur and others

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

PRESENT: Mr. Rahul Sharma, Advocate,
for the petitioners.

Mr. M. C. Berry, Sr.DAG, Punjab,
for the State.

Mr. R. S. Modi, Advocate,
for respondent No.2.

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RANJIT SINGH, J.

In this petition, quashing of FIR No.5 dated 22.1.2003 under Sections 406, 498A IPC, arising out of matrimonial dispute, is sought on the basis of a compromise.

Petitioners are mother-in-law, father-in-law and husband respectively of complainant-Kamaljit Kaur (respondent No.2). Dr.Jagdish Singh (petitioner NO.3) got married to respondent No.2 on 2.2.2000. Both were divorcees and have been unsuccessful in their second attempt to have smooth married life. There is no issue out of this wed-lock. It is stated that difference of opinion

between petitioner No.3 and respondent No.2 is the cause, which has led respondent No.2 to leave the matrimonial home. FIR in hand was got registered by respondent No.2 statedly as a counter-blast to the petition filed by petitioner No.3 for restitution of conjugal rights under the Hindu Marriage Act. As it usually happens in such cases, with the passage of time, the parties appear to have got tired and have now decided to end their matrimonial combat by arriving at a compromise. They have now decided to dissolve their marriage and have already filed a joint petition under Section 13-B of the Hindu Marriage Act, seeking divorce by mutual consent. Copy of the said petition has been annexed as Annexure P-1 with the present petition. A perusal of the compromise would show that a sum of Rs.4,12,000/- has been paid to respondent No.2 and accordingly, she has now given an affidavit, annexed as Annexure P-2, stating therein that she would not have any objection if FIR in question registered at Police Station Adampur is quashed. Since the parties have agreed to dissolve the marriage and end their dispute and differences by arriving at a compromise, it would be futile to allow the present proceedings to continue. Even otherwise in view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005 (3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675, the criminal proceedings arising out of matrimonial dispute can be ordered to be quashed. No useful purpose will be served in allowing these proceedings to continue.

This petition is as such allowed and FIR No.5 dated 22.1.2003 under Sections 406, 498A IPC registered at Police Station

Adampur and the subsequent proceedings arising therefrom are ordered to be quashed.

November 16 , 2006 **(RANJIT SINGH)**
khurmi **JUDGE**